



**LITE DEPALMA
GREENBERG, LLC**

Newark • Chicago • Philadelphia

TWO GATEWAY CENTER, SUITE 1201
NEWARK, NJ 07102

TEL: 973.623.3000
FAX: 973.623.0858
www.litedepalma.com

June 29, 2012

VIA ECF

Honorable Tonianne J. Bongiovanni, U.S.M.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Federal Building & U.S. Courthouse
402 East State Street, Room 6052
Trenton, NJ 08608

**Re: AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP; KBI Inc., and KBI-E Inc. v. Hanmi USA, Inc., Hanmi Pharmaceutical Co., Ltd., Hanmi Fine Chemical Co., Ltd, and Hanmi Holdings Co., Ltd.
Civil Action No.: 11-760(JAP)(TJB)**

Dear Judge Bongiovanni:

This firm, along with Sughrue Mion, PLLC, represents the Hanmi Defendants (“Hanmi”) in the above-captioned Hatch-Waxman patent infringement action brought by Plaintiffs AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP, KBI Inc. and KBI-E Inc. (collectively “AstraZeneca”).

Over the past several weeks, the parties have been attempting to negotiate a pretrial schedule in the above referenced matter. On June 19, 2012, we wrote to Judge Pisano and presented the parties’ competing positions regarding the scheduling of various dates between now and trial. (D.I. 223, attached as Exhibit 1). At the June 20 hearing on certain summary judgment motions, we raised the issue of pretrial scheduling as set forth in the attached letter to the Court. The Court directed the parties to continue their efforts to work out a schedule. Upon further consideration, the Hanmi defendants accept all of the dates proposed by AstraZeneca in the attached letter, which we list here.

EVENT	PROPOSED SCHEDULE (APRIL 2013 TRIAL)
Advice of Counsel Disclosure (<i>Patent L.R. 3.8</i>)	30 days following entry of Claim Construction Ruling
Close of Fact Discovery	November 20, 2012



Honorable Tonianne J. Bongiovanni, U.S.M.J.

June 29, 2012

Page 2

EVENT	PROPOSED SCHEDULE (APRIL 2013 TRIAL)
Opening Expert Reports	December 7, 2012
Response Expert Reports	January 11, 2013
Rebuttal Expert Reports	January 25, 2013
Expert Depositions Commence	January 28, 2013
Expert Depositions End	February 25, 2013
Rule 26(a)(3) Disclosures	Subject to Court's preferences
Rule 26(a)(3) Objections	Subject to Court's preferences
Deadline for Pretrial Motions	Subject to Court's preferences
Response to Pretrial Motions	Subject to Court's preferences
Pretrial Conference/Pretrial Motions Hearing	Subject to Court's Calendar
Trial	April 2013 (Dates to be determined)

The proposed dates are based on an April 2013 trial date that Judge Pisano calendared at the June 20 hearing and told the parties to consider in negotiating dates for a case schedule.



Honorable Tonianne J. Bongiovanni, U.S.M.J.

June 29, 2012

Page 3

We have been advised by counsel for AstraZeneca that Your Honor is conducting a telephonic Rule 16 conference in AstraZeneca's unrelated case against Mylan on July 2, 2012, at 1:30 p.m. AstraZeneca's case against Mylan was filed over a year after the present case, involves a patent not involved in this case, is based on a different proposed generic product, and is not otherwise related to this case in any way. Because Hanmi now agrees to the dates proposed by AstraZeneca, we are declining AstraZeneca's invitation to participate in Monday's teleconference. If the agreed upon schedule meets with the Court's approval, Hanmi respectfully requests that Your Honor so order this letter and have it entered on the docket

Should Your Honor wish to discuss this matter further, we will make ourselves available at the your convenience

Respectfully,

A handwritten signature in blue ink that reads "Mayra V. Tarantino".

Mayra V. Tarantino

MVT:emp

cc: Counsel of Record (via ECF & email)

SO ORDERED this ____ day of July 2012

Tonianne J. Bongiovanni, U.S.M.J.

EXHIBIT 1



LITE DEPALMA
GREENBERG, LLC

Newark • Chicago • Philadelphia

TWO GATEWAY CENTER, SUITE 1201
NEWARK, NJ 07102

TEL: 973.623.3000

FAX: 973.623.0858

www.litedepalma.com

June 19, 2012

VIA ECF

Honorable Joel A. Pisano, U.S.D.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

**Re: AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP; KBI Inc., and KBI-E Inc. v. Hanmi USA, Inc., Hanmi Pharmaceutical Co., Ltd., Hanmi Fine Chemical Co., Ltd, and Hanmi Holdings Co., Ltd.
Civil Action No.: 11-760(JAP)(TJB)**

Dear Judge Pisano:

This firm, along with Sughrue Mion, PLLC, represents the Hanmi Defendants ("Hanmi") in the above-captioned Hatch-Waxman patent infringement action brought by Plaintiffs AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP, KBI Inc. and KBI-E Inc. (collectively "AstraZeneca").

We write further to our letter of June 6, 2012 regarding the case schedule, based on an expected April 2013 trial date.

Beginning in April of this year, the parties have met and conferred and exchanged multiple communications in attempt to reach agreement on a pretrial schedule. The issue of a trial timeframe was discussed in an April 23, 2013 teleconference with the Court (the Court indicating trial windows in February and April 2013), and again at the conclusion of the May 16, 2012 *Markman* Hearing (the Court indicating an April 2013 trial window was available). Unfortunately, the parties have been unable to agree on a pretrial schedule leading up to an agreed April 2013 trial – given the expiration of the 30-month stay on June 29, 2013.

Hanmi respectfully asks that the Court enter a pretrial schedule as shown in the table below, with an August 31, 2012 fact discovery cut-off. AstraZeneca's proposed schedule is included as well, and AstraZeneca has not budged from its proposed fact discovery cut-off of November 20, 2012 – despite the fact that Hanmi's NDA was produced on April 1, 2011, Hanmi's full document production has been complete for months, and fact discovery has been ongoing for over a year already.



Honorable Joel A. Pisano, U.S.D.J.
 June 19, 2012
 Page 2

EVENT	HANMI's PROPOSED SCHEDULE (APRIL 2013 TRIAL)	ASTRAZENECA's PROPOSED SCHEDULE (APRIL 2013 TRIAL)¹
Advice of Counsel Disclosure (<i>Patent</i> <i>L.R. 3.8</i>)	30 days following entry of Claim Construction Ruling	30 days following entry of Claim Construction Ruling
Close of Fact Discovery	August 31, 2012	November 20, 2012
Opening Expert Reports	September 24, 2012	December 7, 2012
Response Expert Reports	October 26, 2012	January 11, 2013
Rebuttal Expert Reports	November 12, 2012	January 25, 2013
Expert Depositions Commence	November 19, 2012	January 28, 2013
Expert Depositions End	December 18, 2012	February 25, 2013
Deadline for filing Summary Judgment Motions	January 10, 2013	
Response Summary Judgment Briefs	February 4, 2013	
Reply Summary Judgment Briefs	February 18, 2013	
Rule 26(a)(3) Disclosures	February 22, 2013	Subject to Court's preferences
Rule 26(a)(3) Objections	March 4, 2013	Subject to Court's preferences

¹ See Ex. 1, May 24, 2012 letter from Henry Renk to Renita Rathinam.



Honorable Joel A. Pisano, U.S.D.J.
June 19, 2012
Page 3

EVENT	HANMI's PROPOSED SCHEDULE (APRIL 2013 TRIAL)	ASTRAZENECA's PROPOSED SCHEDULE (APRIL 2013 TRIAL)¹
Deadline for Pretrial Motions	March 11, 2013	Subject to Court's preferences
Response to Pretrial Motions	March 25, 2013	Subject to Court's preferences
Pretrial Conference/Pretrial Motions Hearing	Monday April 8, 2013 (Subject to Court's Calendar)	Subject to Court's Calendar
Trial	April 15 – 26, 2013 (Subject to Court's Calendar)	April 2013 ² (Dates to be determined)

We respectfully request entry of a schedule along the lines proposed by Hanmi and thank the Court for its consideration in this matter.

Respectfully,


Mayra V. Tarantino

MVT:emp

cc: Counsel of Record (via ECF & email)

² See Ex. 2, May 30, 2012 letter from Renita Rathinam to Henry Renk, and Henry Renk's email response.

EXHIBIT 1

Fitzpatrick

FITZPATRICK, CELLA, HARPER & SCINTO

HENRY J. RENK
hrenk@fcha.com
212-218-2250
www.fitzpatrickcella.com

NEW YORK
1290 Avenue of the Americas
New York, NY 10104-3800
T 212-218-2100
F 212-218-2200

May 24, 2012

VIA EMAIL

Renita S. Rathinam, Esq.
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

Re: AstraZeneca AB, et al. v. Hanmi USA, Inc., et al.
Civil Action No. 11-00760 (JAP)(TJB)

Dear Renita:

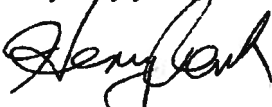
As promised in my email of yesterday, attached is our response to the case schedule proposed in your letter of May 17, 2012.

We cannot agree to your proposed schedule, and have proposed our own dates for you to consider. For example, your proposed August 31, 2012 date for the close of fact discovery is unrealistic. Will Hanmi agree to bring Korean witnesses to the United States for deposition? Is Hanmi willing to permit the use at the trial of this case the deposition testimony taken in a prior Nexium® case? Does Hanmi intend on noticing any depositions of AstraZeneca witnesses from Europe? The answers to these and other questions will have an impact on how quickly we can complete discovery in this case.

We believe Judge Pisano may not want dates for Rule 26(a)(3) disclosures. Our recent pre-trial experience with Judge Pisano tells us that his pre-trial filing requirements are minimal. We suggest not addressing such dates at this time, and contacting the court early next year to determine the Court's preferences.

We are available to discuss the schedule next week.

Very truly yours,



Henry J. Renk

Enclosure
cc: All Counsel

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NEW YORK WASHINGTON CALIFORNIA

Proposed Pretrial Schedules

Event	AstraZeneca Proposal	Hanmi Proposal
Advice of Counsel Disclosure (Patent L.R. 3.8)	30 Days following entry of Claim Construction Ruling	30 Days following entry of Claim Construction Ruling
Close of Fact Discovery	November 20, 2012	August 31, 2012
Opening Expert Reports	December 7, 2012 (2.5 weeks)	September 24, 2012 (3 weeks)
Response Expert Reports	January 11, 2013 (4.5 weeks)	October 26, 2012 (4.5 weeks)
Rebuttal Expert Reports	January 25, 2013 (2 weeks)	November 12, 2012 (2.5 weeks)
Expert Depositions Commence	January 28, 2013	November 19, 2012 (1 week)
Expert Depositions End	February 25, 2013 (4 weeks)	December 18, 2012 (4 weeks)
Deadline for filing Summary Judgment Motions		January 10, 2013
Response Summary Judgment Briefs		February 4, 2013
Reply Summary Judgment Briefs		February 18, 2013
Rule 26(a)(3) Disclosures	Subject to Court's preferences	February 22, 2013 (9.5 weeks from close of expert depositions)
Rule 26(a)(3) Objections	Subject to Court's preferences	March 4, 2013 (10 days)
Deadline for Pretrial Motions	Subject to Court's preferences	March 11, 2013 (1 week)
Response to Pretrial Motions	Subject to Court's preference	March 25, 2013 (2 weeks)
Pretrial Conference/Pretrial Motions Hearing	Subject to Court's Calendar	Monday April 8, 2013 (Subject to Court's Calendar)
Trail Commences (2-3 weeks)	Subject to Court's Calendar	April 15-26, 2013 (Subject to Court's Calendar)

EXHIBIT 2



2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213
T 202.293.7060
F 202.293.7860

www.sughrue.com

Renita S. Rathinam
T 202.857.3209
rrathinam@sughrue.com

May 30, 2012

Via Email

Henry J. Renk, Esq.
FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800

Re: *AstraZeneca AB, et al. v. Hanmi USA, Inc., et al.*,
Civil Action No. 11-00760 (JAP)(TJB)

Dear Henry:

We write further to your correspondence of May 24, 2012 concerning the case schedule owed to the Court. Hanmi's proposed case schedule is in line with Judge Pisano's express indication of trying the case in April 2013, whereas your proposal omits mention of the trial timeframe altogether. Your proposal is not understood given your express representation during our May 15, 2012 meet and confer that you were in favor of the April 2013 trial slot (as opposed to February). We also understood that you would propose a conforming schedule following the May 16 *Markman* hearing, particularly given Judge Pisano's May 16th express directives – and your stated acquiescence – that the parties work out a schedule based on an April 2013 trial.

Please let us know by return whether that you will commit to propose a case schedule with a trial in April 2013. If so, we are available today or tomorrow to discuss intervening dates as well as logistics for completing discovery. Absent your agreement today to discuss dates that permit an April 2013 trial, we will provide you with a proposed letter to the Court submitting the competing schedules.

Very truly yours,

A handwritten signature in blue ink, appearing to be "Renita S. Rathinam", written over a horizontal line.

Renita S. Rathinam

cc: Counsel of Record

From: [Renk, Henry](#)
To: [Yoo, Ri](#); [jrothman@fchs.com](#); [bhaas@fchs.com](#)
Cc: [Boland, Mark](#); [Dzwonczyk, Michael R.](#); [Scherling, John B.](#); [Rathinam, Renita S.](#); [jflaherty@mccarter.com](#); [eslavin@mccarter.com](#); [mtarantino@litedepalma.com](#); [alite@litedepalma.com](#); [Rozos, Rick](#)
Subject: RE: AZ v. Hanmi
Date: Wednesday, May 30, 2012 4:38:47 PM

Renita: As should be apparent, the proposed pretrial dates in our proposed schedule lead up to an April 2013 trial, which is acceptable to AstraZeneca and which, as Judge Pisano said at the *Markman* hearing, is the Court's preference. We thought that would be understood. That said, we are amenable to stating "April 2013, dates to be determined by Court" (or something similar) in our proposal for trial dates. We think that we should leave it up to the Court when it wants a pretrial conference and whether it even wants dates for Rule 26(a)(3) disclosures, for the reasons stated in my May 24 letter.

We still do not understand your insistence of an overly compressed, and, in our view, unrealistic, period for fact discovery. We are willing to discuss this tomorrow morning, but, in the meantime, and to make our discussion more productive, would appreciate your position on the questions asked in my May 24 letter and what "logistics" you refer to in your letter of today.

Henry

Henry J. Renk
FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
T 212-218-2250
F 212-218-2200
HRenk@fchs.com
<http://www.fitzpatrickcella.com>

From: Yoo, Ri [<mailto:ryoo@sughrue.com>]
Sent: Wednesday, May 30, 2012 2:08 PM
To: Rothman, Joshua; Renk, Henry; Haas, Bruce
Cc: Boland, Mark; Dzwonczyk, Michael R.; Scherling, John B.; Rathinam, Renita S.; jflaherty@mccarter.com; eslavin@mccarter.com; mtarantino@litedepalma.com; alite@litedepalma.com
Subject: AZ v. Hanmi

Dear Counsel:

Please see attached.

Thank you,
Ri

From: Rothman, Joshua [<mailto:JRothman@fchs.com>]
Sent: Thursday, May 24, 2012 5:18 PM
To: Rathinam, Renita S.
Cc: Boland, Mark; Dzwonczyk, Michael R.; Scherling, John B.; Yoo, Ri; jflaherty@mccarter.com; eslavin@mccarter.com; mtarantino@litedepalma.com; alite@litedepalma.com; hrenk@fchs.com;

bhaas@fchs.com

Subject: AZ v. Hanmi

Please see attached correspondence.

Regards,
Josh

Joshua I. Rothman

FITZPATRICK, CELLA, HARPER & SCINTO

1290 Avenue of the Americas

New York, NY 10104-3800

T 212-218-2275

F 212-218-2200

JRothman@fchs.com

<http://www.fitzpatrickcella.com>

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